

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES W. BOOTH,

Case No. 20-cv-10204

Plaintiff,

U.S. DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

v.

CELIA GEARY,

U.S. MAGISTRATE JUDGE
CURTIS IVY, JR.

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [#30], AND GRANTING DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT [#24]**

On July 20, 2021, Defendant Celia Geary filed a Motion for Summary Judgment in this inmate civil rights action. *See* ECF No. 24. Plaintiff James W. Booth's claims against Geary extend from her denying Plaintiff several promotion opportunities. ECF No. 1, PageID.3. On October 19, 2021, Plaintiff submitted a Response in Opposition to Geary's Motion. *See* ECF No. 28. Geary filed a Reply on November 29, 2021. *See* ECF No. 29.

Presently before the Court is United States Magistrate Judge Curtis Ivy, Jr.'s Report and Recommendation concerning Geary's Motion for Summary Judgment. *See* ECF No. 30. Judge Ivy, Jr. recommends that this Court grant Geary's Motion because Plaintiff did not exhaust his administrative remedies prior to filing suit.

Id. at PageID.141–144. Neither party filed objections to the Report and Recommendation, and the opportunity to file objections has passed. FED. R. CIV. P. 72(b)(2).

When no objections are timely filed, a district court reviews a magistrate judge’s report and recommendation for clear error. FED. R. CIV. P. 72, advisory committee note (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). The Court reviewed the Report and Recommendation and found no clear error.

Therefore, the Court ACCEPTS and ADOPTS Judge Ivy, Jr.’s Report and Recommendation [#30], as this Court’s findings of fact and conclusions of law. Defendant’s Motion for Summary Judgment [#24] is GRANTED.

IT IS SO ORDERED.

Dated: February 16, 2022

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
U.S. DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 16, 2022, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager